

Section 203: 2021 Language Determinations

Frequently Asked Questions

What are the Section 203 Language Determinations?

Language minority provisions of the Voting Rights Act (VRA) require that determined states and political subdivisions provide language assistance during elections for certain language minority groups who are unable to speak or understand English very well and who have been excluded from the political process historically. The language provisions were introduced in the 1975 reauthorization of the VRA and the Census Bureau issued the first listing of Section 203-covered jurisdictions following the 1980 Census. The Census Bureau again released determinations following the 1990 and 2000 censuses, as prescribed by law. The 2006 reauthorization of the VRA extended the language provisions through 2032 and instructed the Census Bureau on two changes: use the American Community Survey and conduct the determinations every 5 years, rather than every 10 as done in the past.

How often are the Section 203 Language Determinations published?

Section 203(b) of the Voting Rights Act as amended prescribes that the director of the Census Bureau shall make these determinations every 5 years, based on the most current population estimates derived from the American Community Survey (ACS) along with relevant census data.

Where are the Section 203 Language Determinations published?

The Section 203 Language Determinations were published in the Federal Register on

December 8, 2021. You can access the Federal Register Notice (FRN) on the Redistricting Data Program Web site at <www.census.gov/programs-surveys/decennial-census/about/rdo.html>. Once on the Web site, click on the “Voting Rights” link in the left-hand navigation sidebar. Next, click on “Section 203 Language Determinations.” Then, click on the “2021” tab. Finally, click on the Federal Register Notice link under “Official Federal Register Notice Listing Covered Jurisdictions.”

What data were used to conduct the 2021 Section 203 Language Determinations?

The 2021 determinations are based on the 2015–2019 ACS 5-year estimates. We use a statistical technique called modeling to strengthen the ACS estimates to make the determinations, instead of using only direct estimates. More information about how we use this technique is available in the executive summary at <https://www2.census.gov/programs-surveys/decennial/rdo/about/voting-rights-determination/2021_Section203/Sec203_ExecSummary2021_v3.pdf>.

Were these Section 203 determinations affected by the pandemic?

Since these determinations are based on the 2015–2019 ACS 5-year estimates, they are unaffected by ACS data collection issues in 2020. Also, the 2020 Census data were not used in making the 2021 determinations because of concerns about the timing of the 2020 Census counts, which were delayed by

the COVID-19 pandemic. This makes this cycle of determinations more like the 2016 cycle, a mid-decade cycle that also does not directly use the decennial census in its methodology. For the 2011 round of determinations, 2010 Census data were available in time to weight the modeling of the ACS data for the determinations. Regardless of the determination cycle, the ACS data are always the primary input for calculating the determinations.

Which language minority groups are covered by Section 203?

The language minority groups covered by Section 203 are those that speak Asian, American Indian, Alaska Native, and Spanish languages.

How are language minority groups defined?

Respondents to the census and the ACS self-identify as one or more racial and ethnic groups in response to race and ethnicity questions. The resulting race and ethnicity data are used as a proxy to define single language minority groups for the purposes of Section 203(b). For the 2021 determinations, 73 language minority groups were eligible for consideration, including 51 American Indian or Alaska Native (AIAN) language groups, 21 Asian language groups, and one Hispanic language group (Spanish).

Which geographic entities are calculated under Section 203?

Language minority group estimates are required for multiple geographic entity types, including states, jurisdictions (minor civil divisions or counties depending on the state), American Indian Areas (AIAs), and Alaska Native Regional Corporations (ANRCs). However, only a state, county, or minor civil division can be determined for language coverage. If an AIA or ANRC meets the criteria for coverage, then the intersecting minor civil division or county is what becomes determined for language coverage.

How were AIAs, ANRCs and other tribal lands identified for inclusion in the determinations estimates?

For the 2020 Census, AIAs and ANRCs were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The U.S. Census Bureau's Geography Division also worked with tribal governments, state governments, and federal agencies to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), Tribal Designated Statistical Areas (TDSA), State Designated Tribal Statistical Areas (SDTSA), and Alaska Native Village Statistical Areas (ANVSA).

How many language minority group areas are covered in the 2021 determinations?

A total of 388 area and language minority group combinations are covered in the 2021 determinations. A total of 334 specific jurisdictions are covered, comprised of 3 states, 245 counties, and 86 minor civil divisions. (Some jurisdictions are covered for multiple language groups.)

What are covered jurisdictions required to do?

Covered jurisdictions are required by law to provide language assistance to those minority groups who are unable to speak or understand English very well and who have been excluded from the political process historically.

When are covered jurisdictions obligated to start providing minority language assistance?

Jurisdictions covered by Section 203 have a legal obligation to provide the minority language assistance effective upon publication of these determinations in the Federal Register. The publication date for the 2021 determinations is December 8, 2021.

If a state is covered, are all county and county equivalent jurisdictions within the state required to provide language assistance?

In cases where a state is covered, all counties and county equivalent jurisdictions must distribute state-provided bilingual election materials. However, only those counties or county equivalents independently covered are required to provide language assistance in their county-produced election materials. Counties and county equivalents not independently covered are exempt from the obligation to provide language assistance for county-produced election materials.

What is required of jurisdictions previously covered under Section 203 that are not listed in the 2021 determinations?

Jurisdictions previously subject to Section 203 of the Voting Rights Act, but not included on the 2021 determinations list, are no longer obligated to comply with Section 203.

What are the Section 203 coverage criteria?

The Census Bureau determines the covered groups based on limited-English proficiency among citizens who are voting age (18 and older) and fifth-grade education rates. A summary of the decision process is available in the Section 203 Decision Flow Diagram at <https://www2.census.gov/programs-surveys/decennial/rdo/about/voting-rights-determination/2021_Section203/Sec203_Flowchart.pdf>.

Determinations for each state, county, or county subdivision (depending on which is the operating level of government), and American Indian/Alaska Native Areas (AIA/ANA), are computed based on the following criteria:

If more than 5 percent of voting age citizens are limited-English proficient,

OR

If more than 10,000 voting age citizens are limited-English proficient,

AND

The rate of total voting age citizens that are limited-English proficient and have less than a fifth-grade education is higher than the national rate.

THEN

The state, county, or county subdivision under consideration is covered for that specific language minority group by Section 203 of the Voting Rights Act.

Note: There is a special computation for American Indian or Alaska Native areas or other tribal lands:

If more than 5 percent of the American Indian or Alaska Native voting age citizens belonging to an American Indian/Alaska Native tribe are limited-English proficient

AND

The rate of those voting age citizens who are limited-English proficient and have

less than a fifth-grade education is higher than the national rate.

THEN

Any political subdivision(s) in which that AIA/ANA is located is(are) covered under Section 203 of the Voting Rights Act. This includes jurisdictions in Alaska, Arizona, Colorado, Florida, Idaho, Minnesota, Mississippi, Nevada, New Mexico, Texas, Utah, and Wisconsin in the 2021 determinations.

How can I access a comprehensive list of Section 203 language minority group estimates by jurisdiction (including both covered and not covered jurisdictions)?

We published a public use file (comma separated values format) which contains all the calculated values for every geography by language minority group (LMG) combination, regardless of whether they were triggered for Section 203 coverage or not. You can access the public use file on the Section 203 Language Determinations Web site at <www.census.gov/programs-surveys/decennial-census/about/voting-rights/voting-rights-determination-file.html>. Click on the "2021" tab then click on "Section 203 Determinations Dataset."